



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

OUR INEQUALITIES OF SUFFRAGE.

THE magnitude of the subject admits, in this article, only a hasty and dogmatic consideration of many of the points involved, while it demands more extended elucidation of others. There will, therefore, be very little of an argumentative nature attempted.

Few of the millions of voters who exercise their sovereign rights on election days have any knowledge of the fact that the laws under which they cast their ballots differ in any material respect from those governing all voters throughout the United States. But it may almost be said that the laws of no two States are alike. Nor are the differences between them slight. They vary as widely as the features, intonations, and provincialisms of the voters themselves. The wood-chopper of Michigan, who has been in the country but one year, the State three months, and the town or ward ten days, has just as much power in the selection of a President of the United States as the resident of Kentucky who, in order to vote, must be a citizen of the United States and have lived in the State two years, the town, city, or county one year, and the precinct sixty days.

When our forefathers framed the Constitution of the United States, it is doubtful if the most sanguine of them, in his wildest dreams, conceived of such a population as we have to-day, either in point of numbers or diversity of character. That they showed remarkable wisdom every one will admit, but the time has surely come when some of the laws to which they bound us should be carefully looked into. With the light of modern times upon them defects are to be found, which modern ideas alone can rectify.

The tremendous and ever-increasing development of the country has brought to our shores millions upon millions of foreigners, very largely from the lower and poorer classes of Europe, who have been crowded out, as it were, from their unattractive homes

by the hard life and small prospect of advancement there offered. Thus we have an extremely heterogeneous population, which, while it adds to our strength ultimately, by the mixture of blood, unquestionably lowers the average of our moral and mental powers until such a time as the individual ignorance, want of acquaintance with our laws and customs, and absence of American ideas, has been overcome in each particular immigrant. Of course there are a vast number of foreigners and naturalized citizens in the country who rank among our most intelligent men, but they do not represent the mass of our foreign population.

The Constitution provides entirely different methods for the choice of the President and Vice-President, the members of the House of Representatives, and the members of the Senate of the United States. By it the power is almost absolutely given to the several States to determine the necessary qualifications of voters, except that race, color, or previous condition of servitude cannot abridge the right of *citizens* to vote.

Let us glance for a moment at the result. Citizenship of the United States is required by 21 States, while in 17 it is not required. Residence within the State limits for one year is demanded by 25 States; for six months, by 9; for three months, by 2; for four months, by 1; and for two years, by 1. The requirements as to the time the voter shall have lived in the election district, county, city, town, ward, and precinct are equally varied.

In four of the seventeen States that do not require citizenship a foreigner can vote after having been in the United States six months; in 11, one year; in 1, two years; and in 1, two and one-half years. Thirty-six States require no educational qualification, while two do, and in nine the payment of some sort of a tax is demanded. In five more no paupers are considered worthy of enfranchisement, while in twenty-four no property qualification whatever is considered necessary. These twenty-four are nearly equally divided between those which do and those which do not demand citizenship, there being eleven of the former and thirteen of the latter. Thus it is evident that of the fourteen requiring a property qualification ten do and four do not require citizenship.

As to the matter of the geographical distribution of the various requirements there is no distinction so absolute as to justify the idea of illiberality on the part of any particular section of the country, or unreasonable freedom in any other. Generally speak-

ing, the Eastern and Middle States are more stringent in their requirements than the Southern and Western, but there are too many exceptions to admit of this being laid down as a rule.

Now that we have seen the condition of things as it exists, let us inquire whether or no it is desirable. And, in order to show how it is liable to operate, we will illustrate by hypothetical cases.

Three brothers X, Y, and Z, determine to emigrate to America. X and Y land in New York on October 15th, 1887. Z lands there on April 15th, 1888. X goes at once to Cincinnati, settles there, and declares his intention of becoming an American citizen. In the latter part of October, 1892, his business not being prosperous, he spends a month in traveling through various neighboring States in search of a more desirable location, and, during the last week of November, determines upon Covington, Kentucky, as his future home, and at once establishes himself there with his family within five miles perhaps of where he has lived ever since being in the country. Now, although he has become naturalized at the earliest possible moment, the first time that he will be able to vote for a member of Congress will be in November, 1896. He was unable to be in Ohio at the election of 1892, and in 1894 he had not lived in Kentucky the requisite two years.

Y goes to Minnesota, or any one of sixteen other States, and in the election of 1888 votes, perfectly legally, for the general ticket on which Mr. John Smith is a candidate for Member of Congress, and Smith is elected. Shortly after his election Mr. Smith finds that his health is failing, and, instead of returning to the State from which he was elected, he goes, say to California, makes his home there, and, naturally interested in politics, finds himself in 1890 a candidate for Congressional honors from California. Y has also moved there, and though a resident of the State for the prescribed term of one year, not being an American citizen he is unable to vote for Mr. Smith, though two years before in another State he had voted for him.

Z, the third brother of the family, who arrived in America six months later than X and Y, settles at once in Kansas, Nebraska, Oregon, or Colorado, and casts his first ballot in the fall election of the same year. He then moves to any other one of the seventeen States which do not require citizenship as a qualification of voters, and after each election moves again. In this way, by the

time his brother X has voted once, he may have voted for five different Congressmen in as many different States.

This condition of things may not be apt to occur, but it is possible. Nor is this all. Other varying sources of disqualification are liable to be met with, namely, property and educational unfitness, and in one State—alas but one—the moral character of the voter is nominally required to be good. The enactment of such a law by a State Legislature may be considered by many a doubtful compliment to the inhabitants of the State; the State is certainly a doubtful one on election days.

Can any one claim for an instant that such a condition of affairs is just? The doctrine of state-rights is all very well when applied to the purely internal government of a State, and so long as, in its application, it infringes upon no individual rights. But, under the present law, the individual rights of a very large majority of the male population of the United States over twenty-one years of age are materially interfered with. If it is right that in one State the non-citizen resident should vote, it is equally right in every State, and the twenty-one States that require their voters to be citizens do their foreign residents a grievous wrong. On the other hand, if any State may justly require citizenship as a condition for enfranchisement, every State should require it. The seventeen States that allow non-citizens to vote are unjust to their own citizens, for they give them individually a less relative power in the councils of the nation than that possessed by the citizens of the twenty-one States which require citizenship.

In the same manner the inequalities of residence, whether in state, county, or precinct, of education, and of property, in fact of every sort, are fraught with injustice; and simply from the standpoint of equal rights should be done away with. There is, therefore, no equitable solution of the problem except in a common, all-governing law, so regulating the question of franchise that he who may vote in one State may, under similar conditions, vote in any other State. Just what that law should be is a momentous question, involving many points which demand the most careful consideration, the nicest discrimination between right and wrong, between measures politic and impolitic for the furtherance of the national honor and strength; and in considering them the lines of political parties should be utterly abolished; and woe to the party, whether Democratic or Republican, Labor or Tem-

perance, which, for its own political furtherance, refuses to weigh the matter candidly and act honestly regarding it, with the best good of the entire nation as the crowning result to be aimed at.

The extremes are seen in, 1st, non-citizenship and short residence, with no education or property whatever ; and, 2d, citizenship and longer residence, together with education and property. Between these two lie numerous conditions and combinations of conditions. Is it wise to accept either extreme, and if so, which ? Let us consider them for a moment in their entirety, and see if either is likely to operate with justice to the greatest possible number of inhabitants ; and, 2d, to serve in the best manner for the national good.

In discussing the desirability of a common law giving the right of franchise to alien residents, and reducing the requirements to a minimum, the first point to arise is, would it be just to the greatest possible number ?

All residents may be divided into two classes,—citizens, native-born and naturalized, and aliens. Of these native-born citizens are in the large majority, which is greatly increased by the addition of those naturalized. Now, unquestionably, the average ability of American citizens is greater than that of alien residents, and therefore greater than of all residents, citizen and alien ; and accordingly the restriction of the franchise to citizens could work no injury to aliens, whereas the enfranchisement of aliens can do no possible good to any one outside of the aliens themselves, who constitute a very small minority of the general public, and is liable to work untold injury to the large majority—the citizens of the Republic. Then, too, as to an educational qualification. The public school system of the United States places the knowledge, at least, of how to read and write, within the power of every American. Without this knowledge it is impossible for any person in a republic like ours to arrive at even a reasonable degree of information regarding the great questions of the day ; and without some individual knowledge of what he is voting for, some tangible reason why he votes for or against any question or candidate, the voter is no better than one of a flock of sheep, and is led blindly by his party boss or master, a submissive tool in the hands of others, generally unscrupulous men, who care for him only so long as he can give them his vote. Now, why should the small minority, who, being utterly ignorant, cannot

rationally inform themselves of the points at issue, be allowed to swell the power of one individual or party at the expense of others? Such an arrangement, on the very face of it, is unjust to the party or person against whom the ignorant vote.

The *justice* of the proposition that an educational qualification should be demanded of voters being incontrovertibly established, it is readily demonstrable that the best interests of the country demand it. A foreigner coming to our shores may have his own ideas of what he individually likes, but he cannot have as sound ideas of what is best for Americans generally as the man who was either born or brought up here, or has lived here long enough to become naturalized. Driven out of Europe, perhaps, by what he considers oppression, whether an anarchist, socialist, or nihilist, or simply a man dissatisfied with monarchical government, he is utterly unacquainted with true Republican methods and the needs of a government such as ours, until he has been here at least long enough to become a citizen. Consequently, his vote is more likely to be harmful than beneficial to the general public. The same is true of the totally uneducated.

The question of a property qualification is not so easily handled. Undoubtedly the householder, or the man who has landed property, is, generally speaking, a better citizen and more desirous of a pure, efficient, and economical management of affairs, a curtailment of taxes, than the one whose purse strings are not directly affected thereby. There is no way of appealing to a man's judgment so effectually as through his pocket. And yet there are a very large number of good American citizens, particularly among what are generally called "the laboring classes," who possess no real property and are unable to become possessors of any. It would not be a hardship, however, to require that all voters should pay a poll tax, and it might be wise to demand an additional property qualification, but it would lead to so much opposition at present, and is of so uncertain desirability, that it is not wise to advocate it at the outset of an effort for the reform of the laws of suffrage.

The subject of registration demands our next consideration, and is of the utmost importance. Fortunately, the large majority of the States demand it. In seven States, however, it is not required. It is the strongest safeguard we have against fraud, and should without hesitation be rigidly enforced in all.

On the contrary, to residence within the State limits too much importance has been given. In these days of widespread and general railway travel, and diverse and extended business interests, the business man who lives to-day in California may next month have his home in New York, and the laborer now employed in New England may, before he knows it, be building a railroad in Arkansas or Nebraska. If these men are citizens of the United States, there is no reason why they should not change their legal residence as often as they change their habitat.

The only advantages of requiring a definite term of residence in any particular locality is the acquaintance with the local interests to be secured by the representatives of that locality in Congress and the Senate; and more particularly the ability of the officers of elections to preserve the purity of the ballot. For this purpose a prolonged residence within the limits of the State is not so important as a reasonably long residence in the voting precinct. Six, or even three, months in the State should be sufficient, but sixty days, or at the least six weeks, in the voting precinct should be required.

The proposition that criminals and paupers should be excluded, as they generally are, as unworthy of enfranchisement, needs no argument. It is self-evident, and will readily be conceded by all fair-minded persons.

Having thus seen the inequalities of suffrage, the need of removing them, and the desirable points to be retained, it remains to be discovered how it is best to establish an efficacious system.

It would unquestionably be well to have throughout the Union a common law, applicable to both State and National elections, were it not for the great inroad such a law would make upon the individual rights of States. An attempt to accomplish anything of the sort would raise such an opposition as to defeat the end in view, and it is a matter of grave doubt whether it would be wise to interfere so far with local State government.

Admitting the desirability then of uniformity in the qualifications of voters at National elections, and confining ourselves to National elections, two points become apparent: 1st. On days when elections take place for Presidential and Vice-Presidential electors, members of the U. S. Senate, and Representatives in Congress, or when balloting occurs regarding the adoption of Constitutional amendments, no other elections for local or State officers

should be allowed, for it would be impossible to distinguish between those qualified to vote under a United States law, and those who, by their State law, were competent electors of State and local officers. 2d. United States Senators should be chosen by the direct vote of the people. Otherwise, if elected, as at present, by the State Legislatures, they would, in point of fact, be the choice of men who in their different States received the vote of electors differently qualified. They would, therefore, hold office under unequal terms of enfranchisement.

In order to change the manner of election of United States Senators from a legislative to a popular vote, an amendment to the Constitution of the United States is necessary; for Section IV. of the 1st Article of the Constitution specifically states that "Congress may at any time by law make or alter such regulations" regarding Congressional and Senatorial elections, "except as to the places of choosing Senators."

Congress, moreover, has no power, under the Constitution, to say *how* the Electors for President and Vice-President shall be chosen. It can only state the date of election. A constitutional amendment is therefore needed to accomplish this end.

Since it is necessary, therefore, to amend the Constitution in order to remedy so much of the defect in our present system of voting, it is best, in doing so, to recast the entire system, and embody in a series of amendments, that will cover the ground completely, such laws as will serve to distinctly define the position of the United States that, in regard to national affairs, only *duly qualified* citizens shall vote, embodying therein the qualifications. A series of amendments will serve the purpose better than one amendment covering the entire ground, because those States which might be willing to accept a part might oppose another part, and, different parts being opposed by different States, the adoption of the measure, if voted upon as a whole, might fail, while, if voted upon as different articles, the adoption of all, or at least a portion, of the amendments might be secured.

J. CHESTER LYMAN.

P. S.—The subjoined table shows the different suffrage requirements in the different States.

NAME OF STATE.	Citizenship.	Time required in			Registrat'n.	Educational and property qual- ifications.
		State.	County.	Division of county.*		
Alabama.....	No.	1 yr.	3 mo.	w. or p., 30 days.	Yes.	No.
Arkansas.....	No.	1 yr.	6 mo.	w. or p., 30 days.	Yes.	No.
California.....	Yes.	1 yr.	90 d.	p., 30 days.	Yes.	No.
Colorado.....	No.	6 mo.	....	.....	Yes.	No.
Connecticut...	Yes.	1 yr.	....	t., 6 mos.	Yes.	{ Read state laws Good moral character. Freehold yield- ing \$7 annual- ly, or pay state tax, or have done military duty. No paupers, pay county tax.
Delaware.....	Yes.	1 yr.	1 mo.	.....	No.	{
Florida.....	No.	1 yr.	6 mo.	.....	Yes.	No.
Georgia.....	No.	1 yr.	6 mo.	.....	Yes.	{ Must have paid their taxes.
Illinois.....	Yes.	1 yr.	90 d.	e. d., 30 days.	Yes.	No.
Indiana.....	No. ²	6 mo.	....	w. or p., 30 days.	No.	No.
Iowa.....	No. ³	6 mo.	60 d.	t. or w., 10 days.	Yes.	No.
Kansas.....	No.	6 mo.	....	t. or w., 30 days.	Yes.	No.
Kentucky.....	Yes.	2 yrs.	Co., t.	or c., 1 yr.; p. 60 d.	No.	No.
Louisiana.....	No.	1 yr.	....	pr., 10 days.	Yes.	No.
Maryland.....	Yes.	1 yr.	Co.	or c., 6 months.	Yes.	No.
Maine.....	Yes.	3 mo.	....	.....	Yes.	{ No paupers or Indians. Read and write, no paupers, have paid state or county tax.
Massachusetts..	Yes.	1 yr.	C. d., t. or c.,	6 months.	Yes.	{
Michigan.....	No. ⁴	3 mo.	....	t. or w., 10 days.	No.	No.
Minnesota.....	No. ²	4 mo.	....	e. d., 10 days.	Yes.	No.
Mississippi.....	Yes.	6 mo.	1 mo.	.....	Yes.	No.
Missouri.....	No.	1 yr.	Co.,	c. or t., 60 days.	Yes.	No.
Nebraska.....	No.	6 mo.	40 d.	w. or p., 10 days.	Yes.	No.
Nevada.....	Yes.	6 mo.	Co.	or d., 30 days.	Yes.	No.
New Hampshire	Yes.	....	....	t., 6 months.	Yes.	Must be tax-pay'r
New Jersey....	Yes.	1 yr.	5 mo.	.....	Yes.	No.
New York.....	Yes.	1 yr.	4 mo.	d., t. or w., 30 days.	Yes.	No.
North Carolina.	No.	1 yr.	30 d.	.....	Yes.	{ Must own 50 acres of land or have paid taxes
Ohio.....	Yes.	1 yr.	30 d.	t., v. or w., 20 days.	Yes.	No.
Oregon.....	No.	6 mo.	Co.	or d., 90 days.	Yes.	No.
Pennsylvania...	Yes. ⁵	1 yr.	....	e. d., 2 months.	Yes.	{ Must have paid state or co. tax within 2 years. Must own prop- erty in his town and pay taxes on it.
Rhode Island...	Yes.	1 yr.	....	t. or c., 6 months.	Yes.	{
South Carolina.	Yes.	1 yr.	60 d.	.....	Yes.	No.
Texas.....	No.	1 yr.	Co.	or e. d., 6 months.	No.	No paupers.
Tennessee.....	Yes.	1 yr.	6 mo.	.....	No.	Must pay poll tax.
Vermont.....	Yes.	1 yr.	....	t., 3 months.	No.	No.
Virginia.....	Yes.	1 yr.	Co.,	c. or t., 6 months.	Yes.	No paupers.
West Virginia..	Yes.	1 yr.	30 d.	.....	Yes.	No.
Wisconsin.....	No.	1 yr.	....	.....	Yes.	No paupers.

Notes.—¹ Compiled from Hill's Manual 1882. ² Foreigners must be resident 1 year in United States. ³ Foreigners must be resident 2 years in the State. ⁴ Foreigners must be resident 2½ years in the State. ⁵ Former citizens returned from abroad vote after 6 months in State. * Co., county c., city; d., district; e. d., election district; c. d., congressional district; t., town or township; v., village; pr., parish; w., ward; p., precinct.